

LABOUR DEPARTMENT

The 14th August, 1987

No. 9/3/87-6Lab./6182.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Allied Engineering Plot No. 4, Sector 6, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 297 of 1986

between

SHRI SURENDER YADAV, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
ALLIED ENGINEERING PLOT NO. 4, SECTOR 6, FARIDABAD

Present.—

Workman, with Shri Jawahar Lal
Shri H. S. Kaushik, for the respondent-management.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour), vide its endorsement No. ID/FD/65-86/34542-48, dated 18th September, 1986, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Surender Yadav, workman and the respondent management of M/s Allied Engineering, Plot No. 4, Sector 6, Faridabad. Accordingly it has been registered as reference No. 297 of 1986.

2. Surinder Yadav, has settled the matter in dispute with the respondent vide his statement dated 28th May, 1987 and in compliance with the same he has accepted Rs. 2,500 towards full and final compensation. Now he would not be entitled for reinstatement, re-employment with the respondent. The reference is answered to the effect that parties have amicably settled the matter and no further action is needed.

A.S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Dated the 22nd July, 1987.

Endorsement. No. 1409, dated 27th July, 1987.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6Lab./6183.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Roadways, Rewari.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No 221 of 1986

between

SHRI GURBAKSH, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S HARYANA ROADWAYS, REWARI

Present :

Shri S. K. Yadav, for the Workman.
Shri Randhir Singh, for the respondent.

AWARD

This reference under Section 10 (1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/GGN/23-86/24175-20, dated 11th July, 1986, to adjudicate upon the dispute of service matter covered by second schedule under Section 7 of the said Act, arisen between Shri Gurbaksh workman and the respondent-management of Haryana Roadways, Rewari. Accordingly, it has been registered as reference No. 221 of 1986.

2. Gurbaksh was appointed by the respondent on 6th June, 1984 as a helper motor mechanic and his services were terminated on 15th October, 1985. His allegations are that he had worked continuously and his services were illegally and wrongly terminated and as such he be reinstated into his job with continuity of service and further with full back wages.

3. On notice, respondent contested the said claim. It has been conceded that he was appointed on 5th June, 1984 on daily wages upto 30th June, 1984 and his appointment was extended from month to month and he was dis-continued on 15th October, 1985. Further contention is that he is not entitled to be reinstated since he was an adhoc employee on daily basis.

4. By way of replication, workman repeated his claim as well as allegations. On the pleadings of the parties the following material issue was framed :—

(i) As per reference ?

5. In support of the claim Clerk of the respondent has appeared. It has been stated by him that Shri Gurbaksh Lal was appointed on 6th June, 1984 and his service were dis-continued on 15th October, 1985. It has also been stated by him that his appointment was extended from month to month and reliance has been placed on Ex. M-1 and M-2. On the other hand there is statement of workman and he has stated about the material dates as mentioned in his claim statement.

6. I have heard the parties as referred above. In between the parties there is no dispute that Gurbaksh Lal was appointed on 6th June, 1984 and he continuously worked upto 15th October, 1985. If it is so then this period is of more than 240 days and he is entitled to be termed as worker having been continuous service with the respondent as defined under Section 25-B of the said Act. It has not been disputed that no notice pay or compensation was paid to him and it is a clear violation of mandatory provisions of the said Act. The order of termination is hereby revoked and he is entitled to be reinstated with continuity of service and with full back wages @ Rs. 410 per month w. e. f. 15th October, 1985 till he rejoins his duty.

Dated, the 21st July, 1987.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1410, dated the 27th July, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6 Lab./6185.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Sadhu Steel forgings 140/24, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No 363 of 1985

between

SHRI MOHAN LAL SHARMA, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S SADHU STEEL FORGINGS 140/24, FARIDABAD

Present.—

None, for the workman.

Shri R. C. Sharma, for the respondent-management.

AWARD

This reference under section 10 (1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1985 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its Endorsement No. 1D/FD/90-85/27598-603, dated 3rd July, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under Section 7 of the said Act, arisen between Mohan Lal, workman and the respondent-management of M/s. Sadu Steels Forgings 140/24, Faridabad. Accordingly, it has been registered as reference No. 363 of 1985.

2. Shri Mohan Lal, workman has not turned up. The case has been called for a number of times. It is now 11.10 A. M. From the side of respondent Shri R. C. Sharma is present. The reference is again hereby dismissed in default.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Dated, the 23rd July, 1987.

Endst. No. 1407, dated the 27th July, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6Lab./6186.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of Haryana Roadways, Central Body Building Workshop, Gurgaon.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 288 of 1986

between

SHRI TEJ RAM, WORKMAN, SON OF DHAN SINGH, H. NO. 43, 12 BISWA, MOHALLA
AMAN PUR, GURGAON VILLAGE AND THE RESPONDENT OF HARYANA
ROADWAYS, CENTRAL BODY BUILDING WORKSHOP, GURGAON

Present:—

Shri D. C. Gupta, for the workman.

Shri B. D. Verma, for the respondent-management.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. 1D/FD/75-86/33644-46, dated 12th September, 1986 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Tej Ram, workman and the respondent-management of Haryana Roadways, Central Body Building Workshop, Gurgaon. Accordingly, it has been registered as reference No. 288 of 1986.

2. Tej Ram was appointed by the respondent on 6th December, 1983 as a helper carpenter and he had served upto 15th March, 1986 and his services were terminated on 16th March, 1986. It has been alleged by him that order of termination passed against him is illegal un-lawful and against the principles of natural justice. He has accordingly requested for reinstatement with continuity of service and further with full back wages.

3. On notice, respondent appeared and filed the written statement. It has not been denied that he had served it for claimed period but it has been contended that he was appointed on daily wages and that was renewed from month to month and he is not entitled to be reinstated into his job.

4. On the basis of pleadings of the parties, the following material issue were framed on 5th March, 1987 :

(i) AS PER REFERENCE?

5. In support of the contention on one hand Shri Asha Ram, Assistant of respondent appeared on 2nd March, 1987. On the other hand there is statement of workman also. I have heard the parties and gone through the file. The finding on the said issue is as below.

6. Issue No. 1 :—In between the parties there is no dispute that Tej Ram has served the respondent with effect from 16th December, 1983 to 15th March, 1986 as per certificate Ex. W-1 issued by General Manager, Haryana Roadways, Gurgaon. It is further corroborated from the statement of Asstt. of the respondent. As per record of the respondent his service period has been of more than 240 days and if it is so, he is entitled to be termed as having been in continuous service of the respondent as defined under Section 25-B of the said Act. There is no dispute that no notice pay or compensation was paid or tendered by the respondent to this poor worker and as such order of termination passed against him is a illegal one. It is hereby revoked. In consequence thereof he is reinstated into his job with continuity of service and further with full back wages with effect from 15th March, 1986 @ Rs. 445 per month till he rejoins his duty.

Dated the 21st July, 1987.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1411, dated the 27th July, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6Lab./6187.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of Haryana Roadways, Gurgaon :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Ref. No. 167 of 1987

between

SHRI SIRI BHAGWAN, HELPER, C/O BHIM SINGH YADAV, 192, SECTOR 15,
FARIDABAD AND THE RESPONDENT-MANAGEMENT OF HARYANA
ROADWAYS, GURGAON

Present.—

Workman with Shri Bhim Singh Yadav.

None, for the respondent-management.

AWARD

This reference under section 10 (1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court, by the State of Haryana (Department of Labour),—vide its endorsement No. 1D/FD/6-85/13829--35, dated the 2nd April, 1985, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Siri Bhagwan, workman and the respondent-management of Haryana Roadways, Gurgaon. Accordingly, it has been registered as reference No. 167 of 1987.

2. Shri Siri Bhagwan was appointed by the respondent on 1st April, 1984 as a Helper motor mechanic and his service were terminated on 27th November, 1984. His allegations are that he worked continuously without any break and his services were illegally terminated. He has accordingly requested for reinstatement with full back wages and further with continuity of service.

3. On notice, respondent had appeared and written statement had to be filed on 7th July, 1987 but no body had turned up and as such proceeded *ex parte*.

4. In support of the claim, workman appeared and he has deposed as stated above. I have heard his representative. According to him he was appointed on 1st April, 1984 and his services were terminated on 27th November, 1984. On the face of it, the period of service was of more than 240 days and he was in continuous service as defined under Section 25-B of the said Act, there is no dispute that his service was dispensed with without paying notice pay or compensation as required under Section 25-F of the said Act. It is quite clear that order of termination is bad one and against the principles of natural justice and the same is revoked and *Sin Bhagwan* is reinstated into his job with full back wages and further with continuity of service. He is entitled for back wages @ Rs. 395 per month with effect from 27th November, 1984 to the date on which he rejoins his duty.

Dated the 21st July, 1987.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1412, dated 27th July, 1987.

Forwarded (three copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under sub-section (4) of section 33-C of the Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6Lab/6188.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Paramount Steel Body Company, Nar Singh Pur, Gurgaon.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 389 of 1985

between

SHRI BAL RAM, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
PARAMOUNT STEEL BODY COMPANY, NAR SINGH PUR, GURGAON

Shri Mahavir Tyagi, for the workman.

Shri S. K. Goswami, for the respondent-management.

AWARD

This reference under Section 10 (1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 41 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement No. ID/ GGN/43-85/25113-18, dated 11th June, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Bal Ram, workman and the respondent-management of M/s. Paramount Steel Body Company, Nar Singh Pur, Gurgaon. Accordingly, it has been registered as reference No. 389 of 1985.

2. Bal Ram, claim that he was appointed by the respondent on 1st February, 1984 as a Painter and his service were terminated on 22nd March, 1985. The allegations are that order of termination is illegal and against the principles of natural justice. On notice, reply has been filed by the respondent claiming that he had worked with effect from 1st March, 1985 to 22nd March, 1985 only and as such not entitled for any relief.

On the pleadings of the parties, my learned predecessor had framed the following issues on 6th January, 1986 :—

(i) As per reference?

In support of the same, on one hand respondent's manager has appeared. On the other hand, there is statement of workman Bal Ram. I have heard the representatives as represented above. My finding on the above is as below :—

5. *Issue No. 1* :—According to the respondent Shri Bal Ram had joined the duty only on 1st March, 1985 and had left the job on 22nd March, 1985 while on the other hand it has been claimed by Bal Ram that he had joined on 1st February, 1984. In this matter there is serious dispute in between the parties about date of appointment. On behalf of the respondent, photo stat copies of attendance register have been placed on file to show that he had worked for 22 days only. On the other hand Bal Ram has no documentary evidence in his favour. It is very difficult to dis-believe the documentary evidence led by the respondent especially when the same has not been rebutted. Further it is difficult to believe the statement of worker that he had been in the service of the respondent from 1st February, 1984. On the face of it, his period of service was of 22 days only and he cannot be termed as a worker as defined in the Act. Unfortunately, I am not in a position to help Bal Ram and reference is answered against him.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Dated the 20th July, 1987.

Endst. No. 1413, dated the 27th July, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 4 of Section 33-C of the Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/3/87-6Lab./6189.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Belmont Rubber Industries, 58B, Industrial Area, N.I.T., Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 108 of 1987

between

SHRI HARI NANDAN, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
BELMOUNT RUBBER INDUSTRIES, 58B, INDUSTRIAL AREA, NIT, FARIDABAD

Present.—

None for the workman.

Shri R. C. Sharma, for the respondent-management.

AWARD

This reference under Section 10 (1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour).—*vide* its endorsement No. 10/FD/16-87/738—86, dated 19th February, 1987 to adjudicate upon the dispute of service matter covered by Second Schedule under Section 7 of the said Act, arisen between Shri Hari Nandan, workman and the respondent-management of M/s Belmont Rubber Industries, 58-B, Industrial Area, NIT, Faridabad.

2 Hari Nandan has not turned up. He was absent on the last date also. No body has appeared on his behalf. It means that he is no longer interested in pursuing the reference and the same is hereby answered against him.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Dated the 23rd July, 1987.

Endst. No. 1414, dated the 27th July, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

The 18th August, 1987

No. 9/3/87-6Lab./6451.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of Xen, HUDA, Division No. 3, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,

Reference No. 20 of 1987

between

SHRI MAHAK SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF XEN, HUDA, DIVISION No. 3, FARIDABAD, (II) S. E. HUDA,
KOTHI NO. 231, SECTOR 18-A, CHANDIGARH

Present :

None, for the workman.

Shri Randhir Singh, for the respondent.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour,—vide its endorsement No. ID/FD/193/86/855-861, dated 8th January, 1987 to adjudicate upon the dispute of service matter covered by Second Schedule under Section 7 of the said Act, arisen between Shri Mahak Singh workman and the respondent-management Xen., HUDA Division No. 3, Faridabad, (ii) S. E. HUDA, Kothi No. 231, Sector 18-A, Chandigarh. Accordingly it has been registered as reference No. 20 of 1987.

2. No body has appeared on behalf of the workman. On the previous date Shri Balbir Singh was present on behalf of the workman. It is 12.30 p. m. It shows that the workman is not interested to pursue the reference. Hence the reference is answered against him.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Dated the 23th July, 1987.

Endst. No. 1398, dated the 25th July, 1987.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.